

## **Tab 25**

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July 20, 2005

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1 resources known, resources are available, that is  
2 different than saying, here's the policy?

3 MR. TRETTER: I think the problem  
4 is you want to use the word policy,  
5 although the witness hasn't used that  
6 word. If you want to talk about what  
7 the general practice was, that's fine.  
8 If you're asking for was something said  
9 in particular in an e-mail or voice  
10 mail, that's fine.

11 Q I think the last question was, was  
12 there something specific communicated to you or  
13 other sales reps concerning whether you should or  
14 should not discuss reimbursement issues with your  
15 clients?

16 A Once, again, it was a reactive  
17 setting. We can't say, "I don't know" to a  
18 physician that's bringing the issue up. It was  
19 my policy, I can only speak myself, in that I was  
20 not going out there proactively seeking it out.

21 If an office had literally a  
22 handful of times where this was the issue of

Edwards 3/15/06  
Declaration Exhibit  
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1 the day for a physician, we're talking over a  
2 hundred calls, four, five times a physician  
3 brought this up, you know, it being a resource  
4 I would try to say these are the people you  
5 need to talk to. It was responding to a  
6 customer's need.

7 The issue didn't raise itself by  
8 going to an office and saying, do you have any  
9 questions about this. It was not a proactive  
10 concern on my part over any amount of time.

11 And that, I believe is due to  
12 the information I received over time from  
13 management, whether it was verbal or otherwise  
14 that that's how I was supposed to do my job  
15 function. I cannot relate you to an e-mail,  
16 saying, yes, we got an e-mail -- there had to  
17 be some formal documentation or some informal  
18 voice mail by management saying, yes, we recall  
19 this. There was a way I felt this is the way  
20 the company wants me to account, and this is to  
21 respond in a reactive setting to where I feel  
22 I'm knowledgeable, but do not be proactive in

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1 the setting. And that's the message I felt I  
2 received over numerous meetings, over numerous  
3 contacts with people in those situations of  
4 people in authority.

5 Q Were you ever made aware of  
6 anyone -- is there some disciplinary procedure in  
7 place if a sales rep did something untoward or  
8 against company policy?

9 A There's a variety of steps.  
10 You're put on probation. There's a first step,  
11 there has to be a series of events that have led  
12 to the next time this happens. There are some  
13 issues that are distinctly forbidden, that one  
14 instance you have you're gone, you've signed off  
15 on that. Our company is very cautious, we're  
16 very conservative with, you read this, you sign  
17 this, your job is on the line. We know exactly  
18 where. It's black and white on almost every  
19 portion of our job description and up to  
20 termination is part of a many scenarios that if  
21 we do this or that activity your job is at stake.

22 Q Was using margin, the margin we've